

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-cv-00355**

SHANE MATHIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

LENDMARK FINANCIAL SERVICES, LLC,

Defendant.

**NOTICE OF REMOVAL
28 U.S.C. § 1441(a)**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Lendmark Financial Services, LLC gives notice of removal of the above-captioned action from the Onslow County Superior Court to this Court.

As grounds for removal, Lendmark states the following:

1. On September 1, 2016, Plaintiff Shane Mathis commenced this action by filing a complaint against Lendmark in the Onslow County Superior Court. The complaint was assigned file number 16 CVS 3367 and is styled *Shane Mathis, individually and on behalf of all others similarly situated v. Lendmark Financial Services, LLC*. A true and accurate copy of the summons and complaint is attached as Exhibit A. To date, the summons and complaint are the only pleadings filed in the case.

2. Plaintiff served Lendmark on September 19, 2016.

3. The time to remove this action has not expired. This notice of removal is being filed within thirty days of Lendmark's receipt of a copy of Plaintiff's complaint, as required by 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(d), a true and accurate copy of this notice of removal will be filed with the Onslow County Superior Court and served on Plaintiff. A copy of the state-court Notice of Filing of Defendant's Notice of Removal, prior to filing and service, is attached as Exhibit B.

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this action. Plaintiff's sole cause of action is premised on alleged violations of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901, *et seq.* ("the SCRA"). Plaintiff's action, therefore, is removable to this Court under 28 U.S.C. § 1441(a).

6. Removal to this Court's Southern Division is proper under 28 U.S.C. § 1441(a), because the Complaint was filed in Onslow County, North Carolina, which is within this Court's Southern Division.

WHEREFORE, Lendmark requests that this action be removed to this Court and placed on this Court's docket for further proceedings.

Respectfully submitted the 18th day of October, 2016.

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**COUNSEL FOR DEFENDANT
LENDMARK FINANCIAL
SERVICES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record, and that I have this day served a copy of the foregoing upon all parties by depositing a copy of the same in the United States mail, postage prepaid, addressed to the following:

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This the 18th day of October, 2016.

s/ Andrew H. Erteschik
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